

## **EXHIBIT 5**

**IN THE SUPREME COURT  
OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
(Commercial Division)**

**RUDERSDAL, EOOD, et al.** )

**Plaintiffs,** )

**v.** )

Index No. 655901/2018

**PHILIP ROBERT HARRIS, et al.** )

**Defendants.** )

**MOTION TO ADVANCE PRELIMINARY CONFERENCE**

COMES NOW the Plaintiffs, RUDERSDAL, EOOD; ALL SEAS PROPERTY, OOD; ASSET MANAGEMENT, EAD, and ZAHARI TOMOV, through undersigned counsel, and, pursuant to Sections 208.9-11 of the Uniform Civil Rules for The New York City Court, hereby move this Court for a continuance of the Preliminary Conference in this case by this Motion returnable to the Motion Submission Part at 60 Centre Street, Room 130 at 9:30am on Thursday, January 24, 2019, averring in support thereof as follows:

1. A Preliminary Conference for this matter is currently set for February 6, 2019 at 9:30 a.m.;
2. Plaintiffs request that this Preliminary Conference be rescheduled for a later date at the Court's convenience, however, sufficiently in the future to permit Plaintiffs to effectuate service of process on the Defendants;
3. The reason for the request is that Plaintiffs require more time to effectuate international service of process under the Hague Convention on the foreign Defendants;

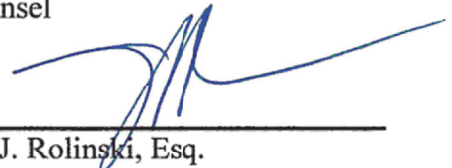
4. There have been no previous requests to reschedule this Preliminary Conference or extend any current deadlines in this case;
5. Plaintiffs have not conferred with counsel regarding Plaintiffs' request herein because contact with opposing counsel is not established due to Defendants not yet having been served; and
6. Service will be attempted and completed in as timely a manner as possible in light of the additional efforts and procedures required to serve international defendants.

WHEREFORE, Plaintiffs pray that the instant motion be granted and the preliminary conference be continued at this Court's convenience to such date as would allow sufficient time to complete service on the foreign Defendants in this matter.

Respectfully submitted,

RUDERSDAL, EOOD  
ALL SEAS PROPERTY, OOD  
ASSET MANAGEMENT, EAD  
ZAHARI TOMOV

By counsel



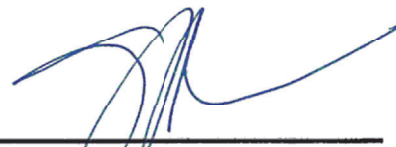
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Attorney for Plaintiffs

January 23, 2019

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23rd day of January 2019, Plaintiffs' Motion to Advance the Preliminary Conference was e-filed with this Court but could not be served on Defendants as service of process has not been effectuated on the Defendants in this case and therefore no Defendants' counsel have appeared as of this date to receive service.



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